

vector and is under the control of a promoter [recognized by polymerases of muscle cells] selected from a promoter contained in the Long Terminal Repeat of Rous Sarcoma Virus, a promoter of the IE gene of cytomegalovirus, a Mouse Mammary Tumor Virus inducible promoter and a metallothionine promoter wherein said polypeptide is expressed in said muscle cells and (ii) a pharmaceutically acceptable carrier.

REMARKS

Entry of the foregoing and favorable reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. Section 1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendment, Claims 20 and 21 have been canceled solely to expedite the prosecution of this application and not to acquiesce to the Examiner's rejection. Applicants reserve their rights to file a Divisional application directed to the canceled subject matter. Claim 15 has been amended to further clarify the present invention. Support for this amendment appears at least on page 3 of the application as filed. Applicants submit that no new matter has been added via this amendment.

Turning now to the Official Action, Claims 15 and 17 to 21 have been rejected under 35 U.S.C. § 112, first paragraph. Claim 15 has been amended to delete the term "entirely" and therefore this rejection is now rendered moot.

Applicants also submit that the cited prior art of record does not teach the presently claimed promoters which are expressed in muscle cells.

From the forgoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.



Respectfully submitted,

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